



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,761	11/06/2006	Kris Vandermeulen	31118/DY0402	9126
4743	7590	10/17/2008	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP			FERGUSON SAMRETH, MARISSA LIANA	
233 S. WACKER DRIVE, SUITE 6300				
SEARS TOWER			ART UNIT	PAPER NUMBER
CHICAGO, IL 60606			2854	
			MAIL DATE	DELIVERY MODE
			10/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/593,761	VANDERMEULEN, KRIS	
	Examiner	Art Unit	
	MARISSA L. FERGUSON-SAMRETH	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 September 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15, 17-19, 21, 23 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 1-15, 17-19, 21, 23 and 25-28 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

2. In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) 1-6 and 23, drawn to a tape printer and method wherein there are two cassette receiving portions, a housing comprising two parts and a moveable printhead mounted on a movable part rotatable between a first/second position.

Group 2, claim(s) 1-4, 7 and 23, drawn to a tape printer and method wherein the movable part comprises a second cassette receiving portion.

Group 3, claim(s) 1-4, 8-11 and 23, drawn to a tape printer and method comprises a cassette holder arranged to move from a first position to a second position, wherein movable part is rotatable through a first/second angle and wherein a moveable part and cassette holder are mounted to a common axis.

Group 4, claim(s) 1-4, 8, 12-14 and 23, drawn to a tape printer and method wherein the cassette holder comprises two side wall portions on one side of the holder disposed between upper and lower walls and guide members provided on upper/lower walls.

Group 5, claim(s) 1-4, 15 and 23, drawn to a tape printer and method wherein moveable part comprises an upper wall, lower wall and a first/second cavity with a printhead mounting portion.

Group 6, claim(s) 1, 17, 18, 23, drawn to a tape printer and method with a tape printer in combination with a tape cassette housing a supply of tape and ink ribbon cassette housing a supply of ink ribbon and an opening provided between the ink ribbon supply portion and ink ribbon take up portion.

Group 7, claim(s) 1, 17, 19 and 23, drawn to a printer and method wherein the tape cassette comprises a platen mounted in the opening of the body in cooperation with the printhead.

Art Unit: 2854

Group 8, claim(s) 21, drawn to an ink ribbon cassette for a tape printer comprising a member connecting the ink ribbon supply portion and the ink ribbon take-up portion.

Group 9, claim(s) 25 and 26, drawn to a tape cassette for a tape printer, the tape cassette comprising a body having a base and a guide member, a top, sides and a supply spool extending in the first direction.

Group 10, claim(s) 25 and 27, drawn to a tape cassette comprising a platen extending in a first direction.

Group 11, claim(s) 25 and 28, drawn to a tape cassette comprising wherein each guide member comprising first and second elongate members.

3. The inventions listed as Groups 1 through 11 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: as shown in the NPL search report filed on 17 October 2006, the cited "X" references establish a lack of unity *a posteriori*, and the technical features of claims 1, 21, 23 and 25 are not features that define over a contribution over the prior arts.

4. Claims 1 and 23 links inventions 1 through 7. Claim 25 links inventions 9 through 11. The restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s), claims 1, 23 and 25, respectively. Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104 Claims that require all the limitations of an allowable linking claim will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier.

Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312.

Applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, the allowable linking claim, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. A telephone call was made to Attorney Kriegal on 10/8/08 to request an oral election to the above restriction requirement, but did not result in an election being made.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA L. FERGUSON-SAMRETH whose telephone number is (571)272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.

Art Unit: 2854

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Judy Nguyen/
Supervisory Patent Examiner, Art Unit 2854

MARISSA FERGUSON-
SAMRETH
Examiner
Art Unit 2854

MFS